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SUBJECT: ETHIOPIA: TRAFFICKING IN PERSONS REPORT (PART 2 -
PROSECUTION AND PROTECTION)

REF: 06 STATE 202745 (NOTAL)

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¶1. (U) Per reftel, Post provides the following input on trafficking in persons issues in Ethiopia. (Due to length of information reported, responses are being reported in two complementary cables.)

¶2. (U) Responses are keyed to questions in paragraphs 27-30 of reftel.

¶3. (SBU) QUESTION 29 - INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

¶1A. The government enacted new legislation relating to trafficking in May 2005. The May 2005 penal code improved trafficking-related language, outlaws labor-related trafficking, and replaces the former penal code of 1957.

-- Article 596 (Enslavement) criminalizes any attempt to enslave, sell, alienate, buy, trade or exploit another person.

-- Article 597 (Trafficking in Women and Children) criminalizes the recruitment, transportation, harboring, import, or export of women or minors for the purpose of forced labor.

-- Article 598 (Unlawful Sending of Ethiopians for Work Abroad) criminalizes sending Ethiopian citizens abroad for work without a license.

-- Article 599 (Participation of Illegal Associations and Juridical Persons) criminalizes any group or organization's participation in slave trade.

-- Article 600 (Default of Supervision or Control) criminalizes any government official who fails to take all measures to control and prevent trafficking.

-- Article 635 (Traffic in Women and Minors) specifically criminalizes the trafficking of men, women and children for

prostitution.

IB. Those found in violation of these articles face 5 to 20 years imprisonment and a fine not to exceed 50,000 birr (approximately USD 5,656). For particularly egregious cases involving bodily harm, the penalty may be 10 to 20 years of rigorous imprisonment. Organizations found in violation Article 599 face a 100,000 birr (approximately USD 11,312) fine and dissolution.

IC. (Please refer to responses 29 A and B.)

ID. Article 589 of the penal code makes rape punishable by imprisonment not to exceed 10 years. If committed against a child under age 15, or to anyone under the protective custody or supervision of the accused person, or by a number of persons acting in concert, rape is punishable by imprisonment not to exceed 15 years. Forced sexual assault as defined by article 590 of the penal code is punishable by imprisonment not exceeding 8 years, or with "simple imprisonment" for not less than 6 months. Depending on which article is used to prosecute, the penalties for rape and sexual assault may be more or less severe than the penalties for trafficking.

IE. Prostitution is not legal in Ethiopia. Article 634 (Habitual Exploitation for Pecuniary Gain) criminalizes the act of prostitution and those elements in support of it. Prostitutes, brothel owner/operators, clients, and those who procure customers for prostitutes (pimps) are subject to a maximum of five years imprisonment. In practice, however, few people are charged with prostitution or crimes related to prostitution. Enforcement of Ethiopia's existing anti-prostitution laws has lagged.

IF. According to an NGO source, in 2006, some 925 cases of trafficked children were nationally reported to the police. Of these, 67 cases have been referred to the prosecutor's office. Of the 67 cases, one case (July 2006) has resulted in conviction and sentencing (13 years

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in prison and a 5,000 birr fine). Twenty-three cases are currently pending prosecution, and the remaining 43 have been closed due either to lack of evidence or absconded defendants. The low conviction rates partly result from an understaffed and overburdened judiciary, lack of cooperation with destination country governments, and alleged corruption on the part of responsible local authorities. Traffickers often destroy evidence, making convictions difficult.

-- The Forum for Street Children, a domestic NGO funded by international donors, reports the following cases of trafficked children and traffickers under investigation for March 2006 - January 2007: 816 cases of trafficked children reported to the police; 67 cases referred to the prosecutor office. One case resulted in conviction, 23 cases are pending prosecution, and 43 cases have been closed for lack of evidence.

-- In February 2006, the Assistant Prosecutor-General clarified that the federal government's previously compiled ?trafficking? data was coupled with ?fraud? cases. Such "fraud" includes trafficking-related cases, but also unrelated crimes such as counterfeit checks and other scams. As noted previously, the May 2005 revised penal code recognizes and names trafficking as a crime. Citing a total of 70,000 intermixed and backlogged criminal files in the prosecutor's office, the Assistant Prosecutor-General asserts that the GOE lacks the institutional capacity and resources to separate trafficking from fraud cases. Such cases would have to be reviewed individually to distinguish between trafficking and other types of fraud.

-- 2005: Some 411 cases of trafficked children reported (332 female, 79 male); 5 cases remain under investigation by police; 14 of 15 cases sent to prosecutors later dropped; 1 individual sentenced to 6 years imprisonment.

-- 2004: Some 251 cases of trafficked children reported; 8 cases investigated (5 dropped for lack of evidence; 3 still pending); 11 of 12 cases sent to prosecutors were later dropped for insufficient charges. One individual was sentenced to 3 months and 15 days in

prison.

¶G. Information on who is behind trafficking has proven difficult to document. According to MOJ, MOLSA and IOM sources, very small and loose rings of Ethiopians are central to trafficking activities. There are several well known operators in Addis who have extensive linkages both throughout Ethiopia and destination countries. In the past, some worked under the cover of legitimate travel agencies. NGO representatives claim that traffickers tend to be individuals rather than organizations, and operate on a fairly small scale. They do not believe trafficking is operated or coordinated by international criminal organizations.

--There is no report of organized crime families, gangs or the like participating in the trafficking process. There have been reports of small groups of smugglers (3 to 6 in number) who ask for 200-300 birr (USD 23-34) to help migrants cross borders away from checkpoints. However these smugglers do not appear to belong to organized rings or sophisticated networks.

-- The IOM Rapid Assessment (pp.33-42) reports:

?The typical recruiter for external trafficking is a person who has returned from the country of destination, has relatives living in the country of destination, or frequently travels abroad for a legitimate purpose. The person is either known to the victim (or her family) or works through a facilitator known to them. Traffickers are most often local brokers? relatives and family members of migrant workers, outside brokers [and] legally registered employment and travel agencies....

?BROKERS: Local brokers (called ?delalas?), who operate at the community level and are usually known to the victim and her family, often recruit potential victims for trafficking. Typically the broker is either a returnee from the country of destination or has relatives there. Reports indicate many women who work in [Middle Eastern] countries traffic through their families in Ethiopia.

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Community members are more likely to trust traffickers with family members living and working abroad. This has helped some families to establish a small business trafficking women and children. In one case, a returnee reported that the broker who arranged for her travel to Beirut operated through her daughters, who live in three different countries in the Middle East. In some cases, families with children living abroad fraudulently claim that their children will help victims adjust to life abroad. In the words of one returnee: ?A woman introduced me to a broker and promised me that her daughter, who lived in Lebanon, would help me once I arrived. Once in Lebanon, I met with the daughter. She had no idea that her mother had helped to arrange my travel or sent me to her. She was very disappointed and angry with her mother. She asked me why her mother had sent me to Lebanon to suffer after having read all the letters she wrote about the terrible conditions she was facing in Beirut. I would never have trusted the broker or left Ethiopia if it wasn?t for the stories the mother told me about her daughter?s life.?

?FACILITATORS: Brokers usually use facilitators for recruitment and do not directly contact victims and their families. Facilitators are typically neighbors or other persons known to the victim. This can also include close relatives and family members. The main tasks of facilitators in the recruitment process are to seek out potential victims, convince victims and their families of the benefits of working abroad, and arrange a meeting with the broker. Though facilitators present themselves as concerned individuals, they actually receive commissions from brokers for each successfully trafficked woman and child. The story of a returnee interviewed for this report sheds more light on the role of the facilitator in the recruitment process: ?I had just completed high school with poor results and was unemployed. At the Lideta Mariam ceremony organized by my mother, a woman I did not know came to our house with a neighbor. The neighbor was a very close friend of my mother and very respected in the neighborhood. The woman told my mother about girls my age who live in Beirut and send money to their parents. She spoke of a close friend whose daughter lives a very good life and helps her family, and offered to talk to her friend about the

possibility of my working in Beirut. The woman took my mother and me to the woman's house a few days later to talk about the kind of work I am going to do in Beirut and the money we have to pay her. After the first meeting, I met the woman only a few times. My mother paid her a total of three thousand birr.?

?Working through facilitators benefits the brokers in many ways. Since the facilitators are known and trusted by the potential victims, there is a better chance of engaging the victims while at the same time reducing suspicion of active recruitment. The arrangement also makes it easier for the broker to work in communities where he or she is not known. Additionally, the brokers are not held responsible for the victim's exploitation in the eyes of the community. Even the victims may not hold the broker responsible; since the involvement of a facilitator gives the impression that the victim or her family came to the broker seeking assistance. The facilitator is also often considered blameless and seen as a good-intentioned neighbor or relative. This arrangement has become the normal modus operandi in trafficking due to the increasingly hostile atmosphere created by publicity of cases of abuse and the increasing attention given by law enforcement agencies to trafficking, especially in Addis Ababa.

?To avoid notoriety and detection by authorities, local brokers do not have established or official places of work. They work from rented houses, neighborhood cafes or hotel rooms and do not publicly advertise their services. To avoid being identified, brokers also move from place to place in larger towns and work through multiple facilitators. According to a recent study, even the victims do not know the real names and addresses of the brokers who recruited and trafficked them.

?Travel agencies and import-export businesses

Unlike in other countries, organized crime groups do not play a significant role in the external trafficking of women and children in Ethiopia. This does not, however, mean that organized groups are not involved in the process. Travel agencies and import-export businesses are in a position to make the business of trafficking in

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persons from Ethiopia more efficient, organized and widespread. Their activities create frequent opportunities for travel to destination countries and contact with employment agents and individuals involved in trafficking at the destination side.

?Not much is known about the recruitment methods used by owners and operators of travel agencies and import-export businesses. They do not advertise their services since they are not licensed to arrange employment abroad. Presumably, they work with local brokers and facilitators at the initial stages of recruitment in the manner discussed above.

?THE RECRUITMENT PROCESS: As described above, most brokers recruit women and children in an informal manner using a facilitator. The facilitator's first task is to identify a child or woman who could be convinced to seek the help of the broker. These are often parents in financial difficulty or with children out of school. The facilitator befriends the potential victim or her family and suggests the possibility of employment in a foreign country as a means of dealing with the family's problems. Once the interest of the victim or parents has been secured, the facilitator offers to arrange a meeting with the broker.

?The story of a returnee from Beirut describes this mode of recruitment: ?I was out of work and lived in my mother's house. My family was facing financial problems since my father left us. Although my mother was employed, she could not earn enough to support my four younger brothers and sisters. A neighbor who works as a broker for housemaids told my mother about a woman who makes arrangements for employment in Lebanon. Our neighbor advised us not to miss the chance to talk to her, even if I decided not to go abroad. A few days later he arranged for a meeting at her house.?

?The meeting with the broker may take place at his or her home, as in the above case. However, in most cases the first meeting takes place in public places, which will be the only address the potential

victim knows if the meeting is not successful. Sometimes, brokers use the office of a legitimate activity, such as small brokerage houses for housemaids and places for purchase and sale of property, as cover operations. More cautious brokers depend on prescreening by facilitators and contact only the victims they deem viable. In such cases, the brokers use private meeting places like rooms rented in a private compound at an address known only to the facilitator. These rooms, arranged to make the victims assume that the broker lives there, are in many cases rented for a short time. The broker moves periodically among different communities and neighborhoods. The purpose of the first meeting is to create a resolve on the part of the potential victim to migrate. The broker reinforces her vision of migration abroad as the solution to her financial problems. The broker draws an attractive picture of life in the destination country and of the promising conditions and terms of employment. He reinforces these images with the often fictional stories of others he has sent to that country in the past. The potential victim may not have a preferred country or may doubt the selection of the suggested country. In this case, the broker will describe its many attractions in such a way that the potential victim is persuaded to select the country in which the broker has contacts. The potential victim is not informed of any problems or challenges unless she specifically raises questions. In cases where the victim asks about such matters, they are downplayed as rare incidents caused by exceptional circumstances.

?Once the victim has been convinced to use a broker?s services of the broker, the issue of payment may be raised at the first or subsequent meetings. Where the broker is hiding from the authorities, or fears exposure, the facilitator may handle all negotiations with the potential victim. A woman trafficked to Beirut said she never met the broker who arranged her travel to Beirut: a friend, herself a recent returnee from the same country, handled everything. The normal role of the facilitator in these meetings is as an advisor to the potential victim. The facilitator, who has the trust of the victim, convinces her that the payment set by the broker is fair. The total amount and manner of payment depends on several factors, primarily country of destination. Returnees interviewed for this report paid 2,000-8,000 birr.

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Returnees from Dubai paid highest amount, while returnees from Yemen paid 2,000 birr. Those who traveled to Qatar and Bahrain paid 5,000 thousand birr while those who traveled to Beirut paid between 3,000-7,000 birr.

?Another factor affecting the fee is whether it is directly negotiated by the victim. Payments tend to be higher when negotiations are mediated by a facilitator, who earns a commission on the deal. A returnee from Beirut stated that she secured a 2,000 birr (USD 226) deduction on the original 8,000 birr fee (USD 905), when she contacted the broker directly.

?While there are written agreements between brokers and victims, most are made orally and are not witnessed by third parties; brokers sometimes use confidants as witnesses to create a facade of formality. Normally, the fee is paid in two equal installments covering the broker?s services, and transportation to the destination country. The first payment is due before the broker starts looking for employment. The second is paid after travel arrangements have been completed, marked by the procurement of the entry visa or confirmation of the flight.

?In many cases, parents finance their children?s migration by borrowing money from illegal loan sharks at exorbitant interest rates, through facilitators and local brokers. One returnee stated that her mother borrowed 6,000 birr (approximately USD 679) to pay the local broker. Another interviewee reported having to pay 2,000 birr interest on a 6,000 birr loan.

?Once fees are agreed upon and first payment is made, the potential migrant gives the broker a copy of her passport, one full body and one passport-size photograph, and a medical examination report proving that she does not suffer from any major ailment, in particular HIV/AIDS. Sometimes, brokers keep the original passport, so that the victim cannot approach other brokers for a cheaper deal.

Copies of the victim's passport and the photographs are then sent to the broker's contacts in the country of destination for selection by potential employers. Finding an employer through the foreign contacts usually takes a few weeks. Upon confirmation of an interested employer, the broker faxes copies of the relevant documents to the country of destination to process and secures the necessary entry visa.

?The victims handle all official processes within Ethiopia. Brokers make non-official travel arrangements, like purchasing tickets and confirming flights, to avoid contact with any government authority and officially maintain the appearance of sending a legitimate migrant who secured employment abroad independently. After the entrance visa is sent to Addis Ababa, usually within one month to one year, victims receive the visa and airplane ticket to the country of destination.?

IH. GOVERNMENT INVESTIGATION: The government employs surveillance techniques to monitor trafficking. In the aftermath of the 2005 election protests and violence, Addis police who had been traditionally assigned to special anti-trafficking units were temporarily reassigned to patrol duty. As of June 2006, all specially assigned counter-trafficking police resumed their duties. Each of the 10 counter-trafficking police stations in Addis Ababa is assigned 3 police officers. Police and immigration security officials are equipped to conduct electronic surveillance and undercover operations.

II. SPECIALIZED TRAINING: In partnership with NGOs, the government has provided a limited number of officials with access to information and training in counter-trafficking. During the reporting period, IOM conducted a series of capacity building trainings to various governmental and non-governmental organizations to raise their awareness and heighten their skills. The counter-trafficking capacity-building for judges, police and prosecutors has provided participants with opportunities to discuss and identify gaps in laws and practices. Training participants included presidents of regional supreme courts, police commissioners, and heads of regional justice bureaus. By the end of the March 2007 reporting period, 110 law enforcement officials and

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members of the judiciary will have received training.

IJ. EXTRADITION: According to the MFA, there have been no requests by any foreign government to extradite non-Ethiopians charged with trafficking. The government does not extradite its own nationals charged with such offenses.

IK. COOPERATION IN INVESTIGATIONS: Police have been successful in thwarting potential trafficking of those transiting Addis Ababa's Bole International airport. However, according to MOLSA and the IOM, there is little international cooperation that occurs. The MFA intends to heighten Ethiopian diplomats' awareness of the seriousness of trafficking problems in-country, by highlighting and contextualizing the issue in its training programs. The MFA reports that neighboring destination countries have been hesitant to enter into any binding bilateral agreements with the GOE, despite the GOE's attempts to initiate them.

-- Ethiopia lacks diplomatic representation in several Gulf States. If funding permits, the GOE intends to open or expand a number of neighboring country consulates in coming years. Currently, the GOE's Embassy in Saudi Arabia is accredited to Oman, and its mission in Kuwait is accredited to Bahrain.

IL. GOVERNMENT INVOLVEMENT: There have been no official reports of the involvement of government officials in trafficking, but there are specific if unsubstantiated reports that this practice exists. No government official has ever been officially implicated or arrested on any trafficking charge.

IM. STEPS AGAINST OFFICIALS: (Please see above response to 29 L.)

IN. NUMBER OF PROSECUTIONS: Ethiopia is not a high-volume child sex tourism source or destination. One foreign national has been

convicted of pedophilia and is serving a nine-year sentence. A newly established court for women and children has led to several convictions of Ethiopian sexual abusers. While these convictions are not related to trafficking, NGOs see the court as a potentially useful tool for this purpose.

10. INTERNATIONAL INSTRUMENTS: The government signed and ratified ILO convention 182 (2003), ILO convention 29 (2003), and ILO convention 105 (1999). The government has neither signed nor ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, nor the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially women and children. However, both protocols have been submitted to the Council of Ministers for approval.

-- The government signed and ratified ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

-- The government signed and ratified ILO Convention 29 and 105 on Forced or Compulsory Labor.

-- The government signed and ratified the Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography.

-- The government signed and ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime

14. (SBU) QUESTION 30 - PROTECTION AND ASSISTANCE TO VICTIMS:

1A. MOLSA and NGO sources report that the government does not have the resources to provide any material assistance to victims of trafficking. Consulates in Beirut and Dubai dispense limited legal advice to trafficked victims and provide temporary shelter to them on (infrequent) occasion. The government does not provide temporary loans to trafficked victims who do not have the financial means to be repatriated. There is neither a specially designated victim care program nor victim-specific health care facilities in Ethiopia.

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Returned trafficked victims must rely on psychological services provided by public health institutions. MOJ is exploring how to more effectively identify NGOs or community-based organizations who can and do provide such services, as well as to improve referral systems.

1B. GOVERNMENT FUNDING: MOLSA, EWLA, and IOM confirm that the government does not provide any funding or other forms of support to foreign or domestic NGOs for services to victims.

1C. IDENTIFYING VICTIMS: The MOJ plans to expand Addis Ababa screening and referral programs for children to other large cities and rural transport points. Each Addis Ababa police station is affiliated with a child protection unit, which collects information regarding victims, and aims to reunify them with their family. Shelter facilities are limited, especially for boys.

1D. VICTIMS? RIGHTS: The government respects the rights of victims upon their return. There have been no reports of returned trafficked victims being detained, jailed, or prosecuted for violations of other laws, such as those governing immigration or prostitution.

1E. VICTIMS? RESTITUTION: According to NGO sources, government authorities have not made any concerted effort to interview returned trafficked victims about their experiences. Many returned victims fear retribution not only from accused traffickers but also from other trafficked persons trapped in destination countries. There is no codified legal barrier to victims pursuing civil suits or seeking legal action against traffickers. There is no victim restitution program.

1F. GOVERNMENT PROTECTION: The government accords no special

protections, shelter, and other housing or special services benefits to trafficking victims or witnesses.

G. GOVERNMENT TRAINING: In 2006 and early 2007, MOLSA officials and their inter-ministerial counterparts have been involved in NGO-brokered training, as supported by Post. However, MOLSA reports that many Ethiopian diplomats remain largely uninformed about trafficking issues as they receive little to no briefings on the topic. The MFA intends to include anti-trafficking in future training for its diplomatic corps. The Ethiopian consul-general in Beirut collaborates with NGOs in their anti-trafficking efforts.

H. GOVERNMENT ASSISTANCE: MOLSA reports that there is extremely limited government assistance available to trafficked victims in Ethiopia or in destination countries. Ethiopia's Beirut consulate negotiates with employers and agents under particular circumstances (e.g., when an employer refuses to pay a worker's salary, or to furnish a migrant worker with a return ticket). It reportedly provides limited legal advice and serves as a temporary shelter for trafficked victims awaiting funds from family members or friends to pay off traffickers so that they can return to Ethiopia. MOLSA reports that the government helped transport Ethiopian women trafficked to Yemen to return to Ethiopia via bus.

II. NGOs: The Addis Ababa-based Ethiopian Women Lawyers Association funds counseling and professional training for returned trafficking victims, and sent an attorney to Beirut on more than one occasion to offer legal assistance to victims there.

-- The Forum for Street Children, a local NGO, has opened a center for sexually abused and exploited girls, offering education, counseling, and basic health information. It also has undertaken a child protection project within police stations for child victims of abuse.

-- Gemanaye Ethiopia Association is an NGO founded in 2002 to foster awareness about working conditions in the Middle East to young women hoping to migrate there. Its Addis Miraf rehabilitation and reintegration shelter, established in June 2004, currently assists 12 women trafficking victims with limited counseling and vocational training service. Victim assistance includes the provision of shelter, food, medical services, skills training and help with

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establishing a small business. In 2006, the shelter provided vocational training for 8 women victims.

-- The Organization for Prevention, Rehabilitation and Integration of Female Street Children (OPFRIS) is an indigenous NGO founded in 2000 to provide shelter and vocational training to young women victims of internal trafficking.

-- The Good Samaritan Association has established a shelter for assisting victims of internal and cross-border trafficking. Victim assistance includes the provision of shelter, food, medical services, skills training, and assistance in setting up a small business. So far, more than 65 trafficking victims, including children, have either received or are receiving support. Children Protection Units (CPUs) of the Addis Ababa and Dire Dawa Police, in collaboration with the Forum on Street Children (a local NGO) refer the children to IOM. Child victims reunified with their families have received financial support to continue education.

-- The International Organization for Migration (IOM) Addis Ababa started its counter-trafficking program in 2001, aimed at contributing to the GOE's counter-trafficking efforts. Main components are a counseling service for migrants, potential migrants, returnees and their families; capacity building of government, NGOs and school personnel; basic assistance, training and counseling to victims of trafficking; and a campaign to enhance trafficking awareness among schools and the general public.

-- Project Concern International (PCI) established its presence in Ethiopia in 2005, working with local organizations to provide support services to vulnerable children, prevent disease, improve community health, and promote sustainable development. In 2006, the

Ministry of Justice designed a project proposal for funding counter-trafficking awareness campaigns and submitted it to Post. Post approved a USD 20,000 grant which PCI utilized to implement two regional training workshops for government officials and NGO representatives.

WILGUS